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**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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April 13, 2007

TO: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

FROM: J. Tyler McCauley   
Auditor-Controller

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT –  
MARCH 2007 MONITORING RESULTS**

As requested, attached are the results of the Auditor-Controller (A-C) monitoring review of the County's juvenile halls for March 2007. The monitoring reviews are used to measure Los Angeles County's (County) progress in implementing the 52 recommendations (referred to as paragraphs) contained in the Department of Justice (DOJ) settlement agreement. The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the DOJ.

**Background**

In December 2004, the A-C assumed oversight responsibility of the Quality Assurance Unit (QA Unit) as directed by your Board. The QA Unit was established to conduct ongoing monitoring of the County's progress implementing the paragraphs contained in the DOJ settlement agreement. The QA Unit consists of staff from the A-C, Probation Department (Probation), the Department of Mental Health (DMH), and Juvenile Court Health Services (JCHS). The QA Unit works and consults with the DOJ monitors regularly. The DOJ monitors are a group of subject matter experts designated by the DOJ to assess the County and the Los Angeles County Department of Education's (LACOE) progress to implement the 52 paragraphs.

LACOE has been designated as the lead agency for five of the 52 paragraphs and monitors their own progress implementing these paragraphs. LACOE reports are

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submitted to the A-C and DOJ monitors monthly. The status of each of LACOE's paragraphs is discussed beginning on page 11 of Attachment 2 of this report.

### **Implementation Status Summary**

The compliance rate noted below for each paragraph is based on our testwork, discussions with the DOJ monitors and the compliance rates for overlapping paragraphs. For example, use of force includes paragraphs 18, 28, 29, and 32.

As of April 1, 2007, 20 of the 52 paragraphs have been fully implemented. In addition, since January 2007, the DOJ began formal monitoring on nine paragraphs (10, 18, 22, 23, 24, 44, 52, 53, and 54). Before a paragraph is considered implemented, it must undergo formal monitoring by the DOJ monitors for one year. During the formal monitoring period, the DOJ monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

For five of the remaining 23 paragraphs, LACOE staff monitor the implementation status. For the remaining 18 paragraphs, we noted the following:

- 2 paragraphs showed a 90% compliance rate.
- 6 paragraphs showed an 80% compliance rate.
- 8 paragraphs showed a 70% compliance rate.
- 2 paragraphs showed a less than 70% compliance rate.

Overall, the compliance rates for the 18 paragraphs did not significantly change from the compliance rates reported for February 2007 monitoring in our March 19, 2007 report. Attachment 1 contains a summary of the status of the 18 paragraphs not in formal monitoring. The details of our March 2007 monitoring review for the 18 paragraphs and the compliance rate for each are addressed in Attachment 2.

### **Implementation Status of Key Paragraphs**

Based on discussions with the DOJ monitors, Probation and other members of the implementation team, in December 2006, we classified seven of the eighteen paragraphs as key paragraphs. The paragraphs focus on the County's need to improve the provision of essential mental health services to children assigned to the juvenile halls and a reduction in the level of violence. Four of the seven paragraphs (10, 18, 22 and 24) entered formal monitoring in February 2007. Beginning this month, we are adding Paragraph 31 to our listing of key paragraphs. Paragraph 31 involves child abuse investigations. We added the paragraph because of our concern in the lack of progress to implement the paragraph. The following are the remaining key paragraphs with a brief description and the current monitoring results.

**Paragraph 27:**

*The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.*

DOJ supports a desired staffing level of one staff per eight minors. The State of California standard staffing level is one staff per ten minors within the facility. Probation targets a staffing ratio of one staff to ten minors in non-Level III supervision areas and a staffing level of one minor to one Probation staff of minors in Level III supervision.

During March 2007, we reviewed the staffing ratios for a selected number of living quarters and Special Handling Units at the three juvenile halls. The staffing ratios ranged from 11 to 19 minors to 1 Probation staff. In addition, the staffing ratios for Level III supervision at the three juvenile halls were 1 minor to 1 Probation staff in accordance with Probation policy.

According to Probation, the County is on schedule to request formal monitoring by the target date.

**Targeted Date to Request Formal Monitoring:      August 2007**

**Paragraph 28:**

*The County shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent whenever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.*

Oleoresin capsicum, "pepper spray," is a pepper based non-lethal chemical restraint. Minors who are sprayed with OC spray are to be decontaminated by flushing the sprayed area with cold water. Probation developed policies governing the use of OC spray that conform to the above requirements.

During the month of February 2007, nine separate incidents were reported in which staff used OC spray on minors. Four incidents occurred at Central Juvenile Hall, two incidents occurred at Los Padrinos Juvenile Hall and three incidents occurred at Barry J. Nidorf Juvenile Hall. According to the investigation reports, the use of OC spray in seven of the nine incidents was appropriate. In one of the remaining two incidents, the minor was taking psychotropic medication and the Probation staff did not use physical intervention prior to spraying the minor, as required. In the remaining incident the Probation staff used an excessive amount of the OC spray. In both incidents, the Probation staff were disciplined.

All of the nine youths received the appropriate medical attention within 30 minutes of being sprayed with OC.

The County requested formal monitoring for this paragraph in February 2007; however, the DOJ has not yet responded to the County's request.

**Paragraph 31:**

*The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse.*

**Comments:**

Probation's Child Abuse Investigation Unit (Unit) consists of five full time and two part time investigators. The Unit rarely closes a case within the 30 day time frame as required. We reviewed 28 cases that were opened during January and February 2007. As of March 13, 2007, 25 of the 28 cases were still open. The Unit has a total of 42 open cases. Five of the 42 have been open for over 90 days.

We reviewed the Child Abuse Special Investigations Unit Audit Log (Log) and noted that the Log did not always contain documentation that indicated law enforcement was notified when a suspected child abuse incident occurred. Of the 145 cases listed on the Log, only three had documentation that law enforcement had been notified. Probation indicated that they plan to develop a policy to address this issue.

The Unit needs to document when they are notified of a possible child abuse incident, when they responded, when the appropriate law enforcement agencies were notified, and when they followed up with the law enforcement agencies to determine the disposition of the criminal investigations, if any.

We met with the DOJ monitor and Probation management on April 11, 2007, to discuss the requirements of this paragraph, and to establish a clear understanding of the expectations and responsibilities of all parties involved with this paragraph. We also discussed how Probation can maintain sufficient documentation to allow the Auditor-Controller to verify that Probation is complying with DOJ's requirements for Paragraph 31.

In December 2006, Probation requested County Counsel to identify an individual to serve as an independent counsel to staff an "Office of Independent Review" within Probation. Probation has identified an independent counsel and has forwarded his name and qualifications to DOJ and the DOJ monitor.

**Targeted Date to Request Formal Monitoring:      September 2007**

**Paragraph 32:**

*The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.*

During the monitoring period, a total of 80 use of force incidents were reported in the three juvenile halls, 23 at Barry J. Nidorf Juvenile Hall, 26 at Los Padrinos Juvenile Hall and 31 at Central Juvenile Hall. Of the 149 minors involved in the uses of force, 129 (87%) received medical treatment within 30 minutes of the use of force. The remaining 20 minors received medical treatment within 40 minutes to two hours of the use of force.

Probation supervisory staff did not always submit the completed review of the use of force to management within 48 hours of the incident as required. We reviewed the documentation packets for the 80 use of force incidents and noted 7 (9%) of the packets were not completed within the 48 hour reporting timeline established by Probation. Six of the seven were completed from one to three days after the 48 hour reporting timeline and one was completed 13 days after the 48 hour timeline.

**Targeted Date to Request Formal Monitoring:      May 2007**

If you have any questions, please contact me or have your staff call Don Chadwick at (626) 293-1102.

Attachments

JTM:MO:DC

c:      David E. Janssen, Chief Administrative Officer  
         Robert B. Taylor, Chief Probation Officer  
         Sachi A. Hamai, Executive Officer, Board of Supervisors  
         Dr. Bruce Chernof, Director, Department of Health Services  
         Dr. Marvin J. Southard, Director, Department of Mental Health  
         Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education  
         Justice Deputies  
         Children Services Deputies  
         Education Deputies  
         Audit Committee

## AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT SUMMARY OF DOJ MONITORING RESULTS

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT AUDIT RESULTS		DEC 06	JAN 07	FEB 07	MARCH 07	SUBSTANTIAL COMPLIANCE (1)
Paragraph 11	Treatment Planning	76%	74%	75%	74%	80%
Paragraph 12	Implementation of the Treatment Plan	49%	47%	52%	48%	85%
Paragraph 13 A	Counseling Services	50%	55%	69%	73%	80% (2)
Paragraph 13 B	Counseling Services	50%	55%	50%	53%	50% (2)
Paragraph 15	Individual Behavior Modification	70%	70%	70%	70%	(3)
Paragraph 16	Substance Abuse	70%	70%	70%	70%	Implementation of Contract Service Providers
Paragraph 25	Management of Suicidal Youth	80%	75%	75%	75%	(3)
Paragraph 26	Care for Self-Harming Youth	85%	95%	90%	90%	90%
Paragraph 27	Staffing	80%	80%	80%	80%	(3)
Paragraph 28	Chemical Restraint	80%	80%	85%	85%	90%
Paragraph 29	Use of Force	95%	95%	95%	95%	95%
Paragraph 31	Child Abuse Investigations	50%	50%	50%	50%	DOJ has not set a substantial compliance level yet
Paragraph 32	Use of Force Review	80%	80%	80%	85%	90%
Paragraph 33	Rehabilitation and Behavior Management	70%	70%	70%	75%	(3)
Paragraph 35	Reduce Youth on Youth Violence	80%	80%	80%	80%	(3)
Paragraph 41	Medical Records Transfer	75%	75%	80%	80%	(4)
Paragraph 45	Hygiene	70%	70%	75%	75%	80%
Paragraph 46-50		n/a	n/a	n/a	n/a	(5)
Paragraph 55	Youth Hygiene	70%	70%	70%	70%	75%
Paragraph 56	System	85%	85%	85%	85%	100%

## Footnotes:

- (1) Substantial compliance is the level of compliance set by DOJ that the County must achieve for the paragraph to be granted formal monitoring.
- (2) Paragraph 13-A measures the adequacy of treatment; Paragraph 13-B measures improvement in the client's condition.
- (3) These paragraphs do not have an actual set percentage of substantial compliance. DOJ is monitoring these paragraphs by monitoring and observing the environmental change brought about by the reduction of use of force, reduction of youth on youth violence, appropriate management of suicidal youth and an environment free of fear and intimidation.
- (4) DOJ has indicated this paragraph will be in substantial compliance when a program for an electronic medical record (EMR) has been identified, funding for the EMR has been appropriated and an implementation plan with an implementation date has been developed.
- (5) Paragraphs 46-50 are monitored by LACOE and are outside the scope of this report.

**QUALITY ASSURANCE UNIT  
MONTHLY MONITORING RESULTS  
FOR MARCH 2007**

**Scope of Review**

The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the Department of Justice (DOJ). As of March 1, 2007, 20 of the 52 paragraphs have been fully implemented. In addition, since January 2007, the DOJ began formal monitoring of nine paragraphs (10, 18, 22, 23, 24, 44, 52, 53, and 54). For five of the remaining 23 paragraphs, LACOE staff monitor the implementation status. Our monitoring review covered the remaining 18 paragraphs.

The compliance rate that we identified for each paragraph is based on our testwork, discussions with the DOJ monitors and compliance rate for the overlapping paragraphs. For example, use of force includes paragraphs 18, 28, 29, and 32.

**PARAGRAPH 11: Treatment Planning**

*The County shall develop and implement policies and procedures, and practices for interdisciplinary treatment planning for youth with serious mental health needs, which allow for the ongoing identification, goal setting, and monitoring of youths' target symptoms. As permitted by law, a representative of LACOE shall share information with regard to the youth's academic performance and school-related behaviors, and shall also be responsible for sharing needed information from the treatment planning process with education professionals serving those youth.*

**Current Compliance Rate: 74%**

**Comments:**

Based on documentation maintained by Probation staff, it appeared that DMH services were provided to the minors. However, the DMH's and the mental health contractors' records lack adequate documentation to support the services. These findings have been noted in prior monitoring reviews and discussed with DMH management. DMH met with the contracted agencies' executive directors to ensure that staff maintain complete documentation available on site for review. In January 2007, DMH management hired three quality integrity staff to develop training for DMH personnel to ensure DMH complies with the DOJ standards.

**PARAGRAPH 12: Implementation of the Treatment Plan**

*The County shall develop and implement policies, procedures, and practices for case management, which would allow for the implementation of the treatment plans and ensure that treatment planning follows each youth from facility to facility.*

**Current Compliance Rate: 48%****Comments:**

DMH staff do not always sufficiently document the treatment provided to the minors during their sessions to ensure the treatment provided aligns with the minors' target symptoms identified in their most current mental health assessment. In addition, the staff do not always document efforts to contact the parents/guardians when the initial attempt to contact them fails. A more precise criterion was developed for situations when the youth decline to have their families contacted or when the parents' phone is disconnected. These issues have been noted in prior monitoring reports and discussed with DMH management.

**PARAGRAPH 13: Counseling Services**

*The County shall develop and implement policies, procedures and practices to ensure the availability of sufficient and adequate counseling services that meet the goal of ameliorating target symptoms of identified mental illness.*

**Current Compliance Rate: A. Screen 1 73%, B. Screen 2 53%****Comments:**

The Brief Symptom Inventory (BSI) is a standardized instrument that reflects subjective distress. The initial BSI is administered to a minor upon admission. A second BSI is administered three weeks after admission to determine if there has been any improvement in the clients' symptoms.

During February 2007, the DOJ set the compliance level for Paragraph 13 A (Screen 1) at 80%. During DOJ's last visit in March 2007, they agreed to set the compliance level for Paragraph 13 B (Screen 2) to 50%.

Screen 1 measures the adequacy of the treatment contacts to the minor by DMH staff. Screen 2 measures if there are improvements in the clients' symptoms when the results of the second BSI are compared to the first BSI.

During our March 2007 review, DMH staff did not consistently document the services provided to the minors or their contacts with the minors. Of the 30 case files reviewed, 15 case files (50%) did not contain sufficient documentation of the services that DMH staff provided or their contacts with the minors to meet the compliance standard.



**PARAGRAPH 15: Individualized Behavior Modification**

*The County shall develop and implement individualized behavior modification programs for individual youth where appropriate. If warranted, LACOE will develop and implement Behavior Support Plans which will be incorporated into youths' Individual Learning Plans. If a special education pupil requires a Behavior Support Plan or Behavior Intervention Plan, the IEP team shall include this need in the IEP.*

**Current Compliance Rate: 70%**

**Comments:**

The DOJ monitor and DMH have not developed a specific audit tool for this paragraph. The DOJ Monitor and DMH believe that the Individualized Behavior Modification Planning (IBMP) process outlined in Paragraph 33 addresses the minors' needs related to this paragraph. DMH management stated that the type of intervention addressed in this paragraph is rare and does not lend itself to regular sampling and auditing.

**PARAGRAPH 16: Substance Abuse**

*The County shall develop and implement policies, procedures, and practices to address substance use disorders appropriately.*

**Current Compliance Rate: 70%**

**Comments:**

The compliance rate is based on our assessment of the initial screening process, the drug education program, and the follow-up process. Generally, the screening process is sufficient. However, the County needs to improve the drug education/drug awareness and follow up process. For example, on a voluntary basis, Atlantic Recovery, Tarzana Treatment and Narcotics Anonymous are providing treatment and counseling to the minors at the three juvenile halls. However, due to a lack of a contract, the service providers cannot provide level of service the minors require. Probation management is in the process of preparing a "Request for Proposal" for a contract with mental health service providers to provide substance abuse services at the juvenile halls. In the interim, Probation is working with DMH and the Department of Health Services to utilize existing providers under contract with these departments to provide substance abuse services at the three juvenile halls.

**PARAGRAPH 25: Management of Suicidal Youth**

*The County and LACOE shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs (County) and, if needed, creation*

*for a youth of a Behavior Support Plan or a Behavior Intervention Plan (LACOE), and decisions about appropriate clothing, bedding, and housing (County).*

**Current Compliance Rate: 75%**

**Comments:**

Probation staff are providing adequate supervision of youth placed on Level III supervision. The Individual Behavior Management Plan (IBMP) committees are reviewing and classifying all the self-harm incidents that occurred during the period of our review. A policy requiring building supervisors to promptly review and evaluate attempted suicides that occur in their units has been issued by Probation management. The policy requires a tracking system so that all incidents are assigned a unique identifier, i.e., identifying sequential numbers, properly reported, routed and maintained in a centralized location.

Each minor placed on Level III supervision must have an Enhanced Supervision Observation form initiated and maintained during their assignment to Level III supervision status. Probation staff must document the minor's behavior on this form at least once every four hours.

During our March 2007 review, we reviewed the files of 29 minors on Level III supervision at the three juvenile halls. The files were missing 95 (16%) of the required 605 Enhanced Supervision Observation Forms (form). Per Probation policy, a form shall be initiated for each minor on Level III supervision for each shift. Probation staff shall make entries on the form at four-hour intervals documenting the staff's observations of the minor's behavior. The following is the breakdown of the missing forms by juvenile hall:

- 58 of 321 sampled at Central Juvenile Hall.
- 36 of 133 sampled at Barry J. Nidorf Juvenile Hall.
- 1 of 151 sampled at Los Padrinos Juvenile Hall.

The common errors in the 510 forms reviewed were missing dates, times, four-hour observation comments and Senior Detention Service Officers' signatures.

**PARAGRAPH 26: Care for Self – Harming Youth**

*The County shall develop a continuum of services and responses to meet the needs of self-harming youth, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.*

**Current Compliance Rate: 90%**

**Comments:**

Each juvenile hall must maintain a Mental Health Psychiatric Hospital log, indicating minors requiring transfer to a higher level of care and a Transportation log documenting minors transferred to a higher level of care. We reviewed the Mental Health Psychiatric Hospital log and the Transportation log at each juvenile hall and noted they were current and accurate.

In January 2007, one of the DOJ monitors with co-responsibility for Paragraph 26 indicated that the physical plant issues related to the paragraph are in substantial compliance.

**PARAGRAPH 27: Staffing**

*The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.*

**Current Compliance Rate: 80%**

**Comments:**

DOJ supports a desired staffing level of one staff per eight minors. The State of California standard staffing level is one staff per ten minors within the facility. Probation targets a staffing ratio of one staff to ten minors in non-Level III supervision areas and a staffing level of one minor to one Probation staff of minors in Level III supervision.

During March 2007, we reviewed the staffing ratios for a selected number of living quarters and Special Handling Units at the three juvenile halls. The staffing ratios ranged from 11 to 19 minors to 1 Probation staff. This is an increase over the ratios reported last month (4 to 13 minors to 1 Probation staff). We plan to discuss the increase with Probation and will include the outcome of the discussion in next month's report. The staffing ratios for Level III supervision at the three juvenile halls were 1 minor to 1 Probation staff in accordance with Probation policy.

**PARAGRAPH 28: Chemical Restraint**

*The county shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent whenever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.*

**Current Compliance Rate: 85%**

**Comments:**

Oleoresin capsicum, "pepper spray," is a pepper based non-lethal chemical restraint. Minors who are sprayed with OC spray are to be decontaminated by flushing the sprayed area with cold water. Probation developed policies governing the use of OC spray that conform to the above requirements.

During the month of February 2007, nine separate incidents were reported in which staff used OC spray on minors. Four incidents occurred at Central Juvenile Hall, two incidents occurred at Los Padrinos Juvenile Hall and three incidents occurred at Barry J. Nidorf Juvenile Hall. According to the investigation reports, the use of OC spray in seven of the nine incidents was appropriate. In one of the remaining two incidents, the minor was taking psychotropic medication and the Probation staff did not use physical intervention prior to spraying the minor, as required. The incident is addressed in the following paragraph. In the remaining incident the Probation staff used an excessive amount of the OC spray. In both incidents, the Probation staff were disciplined.

All of the nine youths received the appropriate medical attention within 30 minutes of being sprayed with OC.

**PARAGRAPH 29: Use of Force**

*The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.*

**Current Compliance Rate: 95%**

**Comments:**

The Probation Department has trained its employees in "Safe Crisis Management," which emphasizes programming and de-escalation techniques. The training also included the proper use of physical and chemical restraints. Based on the number of reported incidents, it appears that overall the use of force has declined over the last six months.

In the past, the DOJ monitor had stated that although Probation has implemented policy and training to comply with this paragraph, the DOJ monitor will not grant formal monitoring until the related Paragraphs 18, 28 and 32, are also ready for formal monitoring. In January 2007, the DOJ monitor indicated to the project manager that DOJ will consider formal monitoring for each paragraph on each paragraph's merit.

**PARAGRAPH 31: Child Abuse Investigation**

*The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse.*

**Current Compliance Rate: 50%**

**Comments:**

Probation's Child Abuse Investigation Unit (Unit) consists of five full time and two part time investigators. The Unit rarely closes a case within the 30 day time frame as required. We reviewed 28 cases that were opened during January and February 2007. As of March 13, 2007, 25 of the 28 cases were still open. The Unit has a total of 42 open cases. Five of the 42 have been open for over 90 days.

We reviewed the Child Abuse Special Investigations Unit Audit Log (Log) and noted that the Log did not always contain documentation that indicated law enforcement was notified when a suspected child abuse incident occurred. Of the 145 cases listed on the Log, only three had documentation that law enforcement had been notified. Probation indicated that they plan to develop a policy to address this issue.

The Unit needs to document when they are notified of a possible child abuse incident, when they responded, when the appropriate law enforcement agencies were notified, and when they followed up with the law enforcement agencies to determine the disposition of the criminal investigations, if any.

We met with the DOJ monitor and Probation management on April 11, 2007, to discuss the requirements of this paragraph, and to establish a clear understanding of the expectations and responsibilities of all parties involved with this paragraph. We also discussed how Probation can maintain sufficient documentation to allow the Auditor-Controller to verify that Probation is complying with DOJ's requirements for Paragraph 31. Probation indicated that they will take steps to enhance the documentation to comply with the DOJ requirements.

In December 2006, Probation requested County Counsel to identify an individual to serve as an independent counsel to staff an "Office of Independent Review" within Probation. Probation has identified an independent counsel and has forwarded his name and qualifications to DOJ and the DOJ monitor.

**PARAGRAPH 32: Use of Force Review**

*The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.*

**Current Compliance Rate: 85%****Comments:**

During the monitoring period, a total of 80 use of force incidents were reported in the three juvenile halls, 23 at Barry J. Nidorf Juvenile Hall, 26 at Los Padrinos Juvenile Hall and 31 at Central Juvenile Hall. Of the 149 minors involved in the uses of force, 129 (87%) received medical treatment within 30 minutes of the use of force. The remaining 20 minors received medical treatment within 40 minutes to two hours of the use of force. Probation supervisory staff did not always submit the completed review of the use of force to management within 48 hours of the incident as required. We reviewed the documentation packets of the 80 use of force incidents and noted 7 (9%) of the packets were not completed within the 48 hour reporting timeline established by Probation. Six of the seven were completed from one to three days after the 48 hour reporting timeline and one was completed 13 days after the 48 hour timeline.

**PARAGRAPH 33: Rehabilitation and Behavioral Management**

*The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.*

**Current Compliance Rate: 75%****Comments:**

Individual Behavior Management Plan (IBMP) and Interagency meetings are held weekly. As part of our March 2007 monitoring, we attended an IBMP meeting at Los Padrinos Juvenile Hall to determine whether protocols and processes utilized at each facility are consistently applied. We noted that committee members from LACOE, DMH, JCHS and Probation were present and participated in the discussions of the minors scheduled for review. Minutes to the meeting were taken and no problems were noted. We will continue to attend at least one meeting a month at one of the three juvenile halls.

The EXCEL program is a complex program that Probation originally planned to administer uniformly among the three juvenile halls. The County has determined that the Life Enhancement and Assessment of Personal Skills (LEAPS) programs will facilitate counseling of minors more effectively than EXCEL and decided to replace EXCEL with LEAPS. On January 22, 2007, LEAPS was implemented at all three juvenile halls.

We reviewed the documentation for ten LEAPS sessions at each of the three juvenile halls and noted no discrepancies. Per the County's Project Manager, the only task remaining to bring this paragraph into compliance is the incentive/behavior management token economy system. The stores are in place at all three halls. Once the points system is fully implemented and used appropriately by staff, the paragraph

will be ready for formalized monitoring. We will closely monitor the progress of LEAPS during our future reviews.

### **PARAGRAPH 35: Reduce Youth and Youth Violence**

*The County and LACOE shall develop and implement strategies for reducing youth on youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.*

**Current Compliance Rate: 80%**

#### **Comments:**

The overall incidents of youth on youth violence in the three juvenile halls increased slightly to 172 incidents in February 2007 compared to 169 incidents in January 2007. Over the last twelve months, the juvenile halls have experienced a reduction in youth on youth violence. It appears that youth on youth violence is tied directly to levels of Probation staff and their training. As Probation continues to increase the number of trained staff at the juvenile halls, a continued reduction of youth on youth violence should result. In addition, minors involved in three or more incidents are being referred to IBMP for review.

### **PARAGRAPH 41: Medical Records Transfer**

*The County shall develop and implement an effective system for transferring medical records from one facility to another so that youth receive timely and consistent medical services.*

**Current Compliance Rate: 80%**

#### **Comments:**

Medical records are being transferred manually from one juvenile hall to another in a timely manner, and medical staff are documenting when medical records are sent or received. Probation and JCHS managers are meeting monthly to gather information and select an appropriate electronic medical record system that will meet the needs of JCHS staff. Probation and JCHS have not yet identified an electronic medical record system or a planned implementation date. However, Probation and JCHS are considering the feasibility of using a system that the Los Angeles County Sheriff's Department has in place in the County Jail, the Jail Health Information System (JHIS). On March 13, 2007, Probation and JCHS management met with representatives from the Sheriff's Department to attend a demonstration of JHIS. On March 28, 2007, Probation and JCHS management met with representatives from the Sheriff's Department to discuss the logistics of how JHIS could be implemented by Probation for use by JCHS. In addition, Probation included the funding for an electronic medical record system in their FY 07-08 budget request.

**PARAGRAPH 45: Hygiene**

*The County shall ensure that medical and pharmaceutical areas are maintained hygienically, and shall establish an infection control program.*

**Current Compliance Rate: 75%**

**Comments:**

We began using the revised audit tool that was approved by DOJ in January 2007. During our March 2007 monitoring review, we inspected the medical module at each juvenile hall. Overall, the sanitary conditions of the medical modules at the three juvenile halls have improved. However, at Barry J. Nidorf, there were holes in the walls within the medical module and the walls in one of the restrooms were dirty.

Probation uses the Internal Services Department (ISD) to perform most of the plumbing repairs at Barry J. Nidorf Juvenile Hall. The ISD plumber submits information to ISD headquarters that a work order has been completed. ISD then forwards the information to Probation's MSB staff. We, along with MSB staff, inspected areas at Barry J. Nidorf Juvenile Hall that ISD reported as being repaired and noted that the broken conditions still existed. For example, the water valves in the minors' rooms, once activated by pressing the valve handle down, should run for ten seconds. ISD reported that the valves have been repaired, but when we tested them, the valves did not remain open when activated, as required. Another repair that ISD reported as completed was a leaking toilet in the minors' restroom. We inspected the toilet and noted that ISD had repaired the toilet's flush mechanism, but the toilet was still leaking at the base. Probation and ISD management are working together to ensure that repairs are being completed appropriately.

To achieve formal monitoring on Paragraph 45, Probation needs to either ensure appropriate custodial services are provided, or amend their contracts with the vendors providing custodial services to more clearly require them to ensure the services are consistent and in compliance with the Juvenile Court Health Services Infection Control and Environment of Care Plans. Probation must also closely monitor the quality of the services provided by the contracted vendors and intervene appropriately if the quality fails to meet the established standards.

In March 2007 Probation received approval from the Board of Supervisors to hire 18 custodians for the juvenile halls. Probation plans to use County custodial staff to provide custodial services at the juvenile halls to ensure the services are consistent and in compliance with the Juvenile Court Health Services Infection Control and Environment of Care Plans. Next month we will report Probation's timeline for when the custodial staff will be assigned and working in the juvenile halls.



**PARAGRAPHS 46 to 50**

Paragraphs 46 through 50 are audited by LACOE's internal auditors under the supervision of LACOE management. On March 12, 2007, LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated below.

**PARAGRAPH 46: Special Education**

*The County and LACOE shall develop and implement a systematic, comprehensive process to locate, screen, identify and provide appropriate services to all youth through age 21 with disabilities who require special education services.*

**Targeted Date to Request Formal Monitoring: August 2007**

**PARAGRAPH 47: Related Services**

*LACOE shall provide related services to special education students with needs for these services.*

**Targeted Date to Request Formal Monitoring: August 2007**

**PARAGRAPH 48: Parent Participation**

*The County and LACOE shall utilize a range of methods to facilitate parent participation in Individualized Educational Program (IEP) meetings.*

**Targeted Date to Request Formal Monitoring: April 2007**

**PARAGRAPH 49: Transition Planning and Services**

*The County and LACOE shall provide adequate transition planning and services for all eligible youth with disabilities.*

**Targeted Date to Request Formal Monitoring: June 2007**

**PARAGRAPH 50: Materials, Space and Equipment**

*The County and LACOE shall ensure that all classes, including those held inside residential units, have appropriate materials, space and equipment.*

**Targeted Date to Request Formal Monitoring: May 2007**

**PARAGRAPH 55: Youth Hygiene**

*The County and LACOE shall ensure that youth have adequate hygiene opportunities, including sanitary personal hygiene products. The county shall ensure that youth have adequate linens, bedding and clothing.*

**Current Compliance Rate: 70%**

**Comments:**

Paragraph 55 is audited by Probation's Management Services Bureau (MSB) auditors. We review MSB's audit on a monthly basis. The percentage of compliance is based on the MSB auditors' reports and our discussions with the DOJ monitor.

We conducted walk-through inspections of the living quarters, supply rooms and laundry at all three juvenile halls. We interviewed Probation staff and inspected MSB's documentation related to inventories for clothing, hygiene items and cleaning supplies. The living quarters reviewed were in good condition, the supply rooms were adequately stocked and the laundries were clean. MSB's documentation at Los Padrinos and Barry J. Nidorf Juvenile Halls were in order. Several items of documentation were missing at Central Juvenile Hall, such as, the water temperature logs, the linen and clothing inventory report and the bi-monthly sanitation log. We reported the lack of documentation to Probation management and the DOJ Project Manager.

**Paragraph 56: System**

*The County and LACOE shall revise and/or institute quality assurance systems to ensure implementation of the provisions addressed in this Agreement.*

**Current Compliance Rate: 85%**

**Comments:**

The County has established a quality assurance program for the three juvenile halls. Data is being gathered in a variety of areas. The Quality Assurance Unit is now completing periodic compliance audits at the juvenile halls and issuing monthly status reports to the Board of Supervisors.